



Impact Assessment  
Agency of Canada

Agence d'évaluation  
d'impact du Canada

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May 22, 2020

**ELECTRONIC MAIL**

Shelly R. Fyant  
Chairwoman  
Confederated Salish and Kootenai Tribal Council  
P.O. Box 278  
Pablo, Montana  
United States of America  
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EMAIL: shelly.fyant@cskt.org

and;

Gary Aitken, Jr.  
Chairman  
Kootenai Tribe of Idaho  
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Bonners Ferry, Idaho  
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EMAIL: garyjr@kootenai.org

Dear Chairwoman Fyant and Chairman Aitken,

**Subject: Designation Request for the Proposed Castle Project**

Thank you for your letter received May 21, 2020, to the Honourable Jonathan Wilkinson, P.C., M.P., Canada's Minister of Environment and Climate Change, concerning the Castle Project (the Project) proposed by Teck Coal Limited.

I am pleased to provide this interim response to advise you of the next steps in responding to your letter where you requested that the Minister designate the Project under Canada's *Impact Assessment Act* (the Act). To support a transparent consideration of your request, your letter has been posted to the Canadian Impact Assessment Registry internet site which is publicly available at [Canada.ca/iaac](http://Canada.ca/iaac) (Reference 80702).

.../2

As you may be aware, under subsection 9(1) of the Act the Minister may, by order, designate a physical activity that is not described in the *Physical Activities Regulations* under the Act. The Minister can do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation.

To support the Minister in considering your request and providing you a reply, the Impact Assessment Agency of Canada will review information about the Project; any concerns expressed in this designation request, by other Indigenous groups or the public; expert advice from federal authorities; and input from provincial ministries and other key stakeholders such as the State of Montana and the United States Environmental Protection Agency. We anticipate that the Minister's determination on whether the Project is to be designated, with reasons, will be provided to you as a formal response to your letter and posted to the Registry by August 19, 2020.

If designated, Teck Coal Ltd. would be required to formally submit an Initial Project Description to the Impact Assessment Agency of Canada, thereby commencing the planning phase of the Act. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests is available on the Agency's website at [www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html](http://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html).

**Important Note:** All records produced, collected or received in relation to the designation request process – unless prohibited under Canada's *Access to Information Act* or *Privacy Act* – are considered public and may be released. If you have provided any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency as soon as possible. The Agency does not accept information marked as confidential without prior contact.

If you have any questions regarding the Project and the contents of this letter, or if you would like to provide additional comments, please contact Mr. Fraser Ross, Project Manager with the Agency at (+1) 604-562-5665 or at [IAAC.Castle.AEIC@canada.ca](mailto:IAAC.Castle.AEIC@canada.ca).

.../3

In closing, I would also acknowledge that given the evolving circumstances concerning the novel coronavirus (COVID-19) pandemic, these may be very challenging times for your tribes. While it may not be "business as usual," it is the Agency's intent to respond to your request in the spirit of respect, transparency, timeliness and responsiveness. It is our hope that your communities are healthy and safe.

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Wright", written over a horizontal line.

Regina Wright  
Regional Director  
Pacific and Yukon

c.c.: Stu Levit, Confederated Salish and Kootenai Tribes, Legal Department  
(Stu.Levit@CSKT.org)